



General Assembly

Amendment

February Session, 2004

LCO No. 5386

SB0060405386HDO

Offered by:
REP. LAWLOR, 99th Dist.

To: Subst. Senate Bill No. 604

File No. 503

Cal. No. 495

**"AN ACT CONCERNING THE REVISOR'S TECHNICAL
CORRECTIONS TO THE GENERAL STATUTES AND CERTAIN
PUBLIC ACTS."**

1 Strike lines 1694 to 1696, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Sec. 66. Subsections (c) and (d) of section 45a-8 of the general
4 statutes are repealed and the following is substituted in lieu thereof
5 (*Effective from passage*):

6 (c) If suitable court facilities are not provided in accordance with
7 subsection (a) or (b) of this section: [, (1) the] (1) The Probate Court
8 Administrator shall submit a report to the joint standing committee of
9 [cognizance of] the General Assembly having cognizance of matters
10 relating to the judiciary concerning the failure of the probate district to
11 provide the required court facilities, together with a recommendation
12 that the probate district be abolished as a separate district and be
13 consolidated with a contiguous district where suitable court facilities
14 can be provided; or (2) if, in the opinion of the Probate Court

15 Administrator, abolition of the district is not in the public interest and
16 judicial action is necessary to enforce the provision of suitable court
17 facilities, the Probate Court Administrator shall bring an action in the
18 Superior Court to enforce the requirements for the provision of
19 suitable court facilities."

20 After the last section, add the following and renumber sections and
21 internal references accordingly:

22 "Sec. 501. Subsections (b) and (c) of section 14-215 of the general
23 statutes are repealed and the following is substituted in lieu thereof
24 (*Effective from passage*):

25 (b) Except as provided in subsection (c) of this section, any person
26 who violates any provision of subsection (a) of this section shall, for a
27 first offense, be fined not less than one hundred fifty dollars [nor] or
28 more than two hundred dollars or imprisoned not more than ninety
29 days, or be both fined and imprisoned, [for the first offense,] and, for
30 any subsequent offense, shall be fined not less than two hundred
31 dollars [nor] or more than six hundred dollars or imprisoned not more
32 than one year, or be both fined and imprisoned.

33 (c) Any person who operates any motor vehicle during the period
34 [his] such person's operator's license or right to operate a motor vehicle
35 in this state is under suspension or revocation on account of a violation
36 of subsection (a) of section 14-227a, as amended, or section 53a-56b or
37 53a-60d or pursuant to section 14-227b, as amended, shall be fined not
38 less than five hundred dollars [nor] or more than one thousand dollars
39 and imprisoned not more than one year, and, in the absence of any
40 mitigating circumstances as determined by the court, thirty
41 consecutive days of the sentence imposed may not be suspended or
42 reduced in any manner. The court shall specifically state in writing for
43 the record the mitigating circumstances, or the absence thereof.

44 Sec. 502. Subsection (g) of section 14-227a of the general statutes, as
45 amended by section 1 of public act 03-265 and section 47 of public act
46 03-278, is repealed and the following is substituted in lieu thereof

47 (Effective from passage):

48 (g) Any person who violates any provision of subsection (a) of this
49 section shall: (1) For conviction of a first violation, (A) be fined not less
50 than five hundred dollars or more than one thousand dollars, and (B)
51 be (i) imprisoned not more than six months, forty-eight consecutive
52 hours of which may not be suspended or reduced in any manner, or
53 (ii) imprisoned not more than six months, with the execution of such
54 sentence of imprisonment suspended entirely and a period of
55 probation imposed requiring as a condition of such probation that
56 such person perform one hundred hours of community service, as
57 defined in section 14-227e, and (C) have such person's motor vehicle
58 operator's license or nonresident operating privilege suspended for
59 one year; (2) for conviction of a second violation within ten years after
60 a prior conviction for the same offense, (A) be fined not less than one
61 thousand dollars or more than four thousand dollars, (B) be
62 imprisoned not more than two years, one hundred twenty consecutive
63 days of which may not be suspended or reduced in any manner, and
64 sentenced to a period of probation requiring as a condition of such
65 probation that such person perform one hundred hours of community
66 service, as defined in section 14-227e, and (C) (i) have such person's
67 motor vehicle operator's license or nonresident operating privilege
68 suspended for three years or until the date of such person's twenty-
69 first birthday, whichever is longer, or (ii) if such person has been
70 convicted of a violation of subdivision (1) of subsection (a) of this
71 section on account of being under the influence of intoxicating liquor
72 or of subdivision (2) of subsection (a) of this section, have such
73 person's motor vehicle operator's license or nonresident operating
74 privilege suspended for one year and be prohibited for the two-year
75 period following completion of such period of suspension from
76 operating a motor vehicle unless such motor vehicle is equipped with
77 a functioning, approved ignition interlock device, as defined in section
78 [3 of this act] 2 of public act 03-265; and (3) for conviction of a third and
79 subsequent violation within ten years after a prior conviction for the
80 same offense, (A) be fined not less than two thousand dollars or more

81 than eight thousand dollars, (B) be imprisoned not more than three
82 years, one year of which may not be suspended or reduced in any
83 manner, and sentenced to a period of probation requiring as a
84 condition of such probation that such person perform one hundred
85 hours of community service, as defined in section 14-227e, and (C)
86 have such person's motor vehicle operator's license or nonresident
87 operating privilege permanently revoked upon such third offense. For
88 purposes of the imposition of penalties for a second or third and
89 subsequent offense pursuant to this subsection, a conviction under the
90 provisions of subsection (a) of this section in effect on October 1, 1981,
91 or as amended thereafter, a conviction under the provisions of either
92 subdivision (1) or (2) of subsection (a) of this section, a conviction
93 under the provisions of section 53a-56b or 53a-60d or a conviction in
94 any other state of any offense the essential elements of which are
95 determined by the court to be substantially the same as subdivision (1)
96 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
97 shall constitute a prior conviction for the same offense.

98 Sec. 503. Subsection (a) of section 17b-451 of the general statutes, as
99 amended by section 3 of public act 03-267, is repealed and the
100 following is substituted in lieu thereof (*Effective from passage*):

101 (a) Any physician or surgeon licensed under the provisions of
102 chapter 370, any resident physician or intern in any hospital in this
103 state, whether or not so licensed, any registered nurse, any nursing
104 home administrator, nurse's aide or orderly in a nursing home facility,
105 any person paid for caring for a patient in a nursing home facility, any
106 staff person employed by a nursing home facility, any patients'
107 advocate and any licensed practical nurse, medical examiner, dentist,
108 optometrist, chiropractor, podiatrist, social worker, clergyman, police
109 officer, pharmacist, psychologist or physical therapist, who has
110 reasonable cause to suspect or believe that any elderly person has been
111 abused, neglected, exploited or abandoned, or is in a condition which
112 is the result of such abuse, neglect, exploitation or abandonment, or
113 [who] is in need of protective services, shall, not later than seventy-two
114 hours after such suspicion or belief arose, report such information or

115 cause a report to be made in any reasonable manner to the
116 Commissioner of Social Services or to the person or persons
117 designated by the commissioner to receive such reports. Any person
118 required to report under the provisions of this section who fails to
119 make such report within the prescribed time period shall be fined not
120 more than five hundred dollars, except that, if such person
121 intentionally fails to make such report within the prescribed time
122 period, such person shall be guilty of a class C misdemeanor for the
123 first offense and a class A misdemeanor for any subsequent offense.

124 Sec. 504. Section 20-14i of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective from passage*):

126 Any provisions to the contrary notwithstanding, chapter 378 shall
127 not prohibit the administration of medication to persons attending day
128 programs, or residing in residential facilities, under the jurisdiction of
129 the Departments of Children and Families, Correction, Mental
130 Retardation and Mental Health and Addiction Services, or being
131 detained in juvenile detention centers, when such medication is
132 administered by trained persons, pursuant to the written order of a
133 physician licensed under this chapter, a dentist licensed under chapter
134 379, an advanced practice registered nurse licensed to prescribe in
135 accordance with section 20-94a or a physician assistant licensed to
136 prescribe in accordance with section 20-12d, authorized to prescribe
137 such medication. The provisions of this section shall not apply to
138 institutions, facilities or programs licensed pursuant to chapter 368v.

139 Sec. 505. Subsection (d) of section 20-427 of the general statutes, as
140 amended by section 2 of public act 03-186, is repealed and the
141 following is substituted in lieu thereof (*Effective from passage*):

142 (d) The commissioner may, after notice and hearing in accordance
143 with the provisions of chapter 54, impose a civil penalty on any person
144 who engages in or practices the work or occupation for which a
145 certificate of registration is required by this chapter without having
146 first obtained such a certificate of registration or who wilfully employs

147 or supplies for employment a person who does not have such a
148 certificate of registration or who wilfully and falsely pretends to
149 qualify to engage in or practice such work or occupation, or who
150 engages in or practices any of the work or occupations for which a
151 certificate of registration is required by this chapter after the expiration
152 of [his] such person's certificate of registration or who violates any of
153 the provisions of this chapter or the regulations adopted pursuant
154 thereto. Such penalty shall be in an amount not more than five
155 hundred dollars for a first violation of this subsection, not more than
156 seven hundred fifty dollars for a second violation of this subsection
157 occurring not more than three years after a prior violation, not more
158 than one thousand five hundred dollars for a third or subsequent
159 violation of this subsection occurring not more than three years after a
160 prior violation and, in the case of radon mitigation work, such penalty
161 shall be not less than two hundred fifty dollars. Any civil penalty
162 collected pursuant to this subsection shall be deposited in the
163 [Consumer Protection Enforcement Fund] consumer protection
164 enforcement account established in section 21a-8a, as amended.

165 Sec. 506. Subsection (c) of section 20-432 of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective from*
167 *passage*):

168 (c) Payments received under subsection (b) of this section shall be
169 credited to the guaranty fund until the balance in such fund equals
170 seven hundred fifty thousand dollars. Annually, if such fund has an
171 excess, the first four hundred thousand dollars of the excess shall be
172 deposited into the [Consumer Protection Enforcement Fund] consumer
173 protection enforcement account established in section 21a-8a, as
174 amended. Any excess thereafter shall be deposited in the General
175 Fund. Any money in the guaranty fund may be invested or reinvested
176 in the same manner as funds of the state employees retirement system,
177 and the interest arising from such investments shall be credited to the
178 guaranty fund.

179 Sec. 507. Subsection (a) of section 36a-582 of the general statutes, as

180 amended by section 2 of public act 04-14, is repealed and the following
181 is substituted in lieu thereof (*Effective October 1, 2004*):

182 (a) Each applicant for a check cashing license shall pay to the
183 commissioner [] a nonrefundable initial application fee of one
184 thousand dollars and a nonrefundable license fee of one hundred
185 dollars for each location. Each licensee shall pay to the commissioner a
186 nonrefundable location transfer fee of one hundred dollars for each
187 application to transfer a location. Each license issued pursuant to
188 section 36a-581, as amended by [this act] public act 04-14, shall expire
189 at the close of business on June thirtieth of each year unless such
190 license is renewed. Each licensee shall, on or before June twentieth of
191 each year, pay to the commissioner a renewal application fee of seven
192 hundred fifty dollars and a renewal license fee for each location of fifty
193 dollars for the succeeding year, commencing July first.

194 Sec. 508. Subdivision (1) of section 36a-715 of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective from*
196 *passage*):

197 (1) "First mortgage loan" has the same meaning as provided in
198 [subsection (1)] subdivision (6) of section 36a-485.

199 Sec. 509. Subsection (f) of section 45a-676 of the general statutes, as
200 amended by section 5 of public act 03-51, is repealed and the following
201 is substituted in lieu thereof (*Effective from passage*):

202 (f) In selecting a plenary guardian or limited guardian of the person
203 with mental retardation, the court shall be guided by the best interests
204 of the respondent, including, but not limited to, the preference of the
205 respondent as to who should be appointed as plenary guardian or
206 limited guardian. No person shall be excluded from serving as a
207 plenary guardian or limited guardian solely because [he] such person
208 is employed by the Department of Mental Retardation, except that (1)
209 no such employee may be appointed as a plenary guardian or limited
210 guardian of a person with mental retardation residing in a state-
211 operated residential facility for [the mentally retarded] persons with

212 mental retardation located in the Department of Mental Retardation
213 region in which such person is employed; and (2) no such employee
214 shall be so appointed unless no other suitable person to serve as
215 plenary guardian or limited guardian can be found. Any appointment
216 of an employee of the Department of Mental Retardation as a plenary
217 guardian or limited guardian shall be made for a limited purpose and
218 duration. During the term of appointment of any such employee, the
219 Commissioner of Mental Retardation shall search for a suitable person
220 who is not an employee of the department to replace such employee as
221 plenary guardian or limited guardian.

222 Sec. 510. Subsection (e) of section 45a-677 of the general statutes, as
223 amended by section 6 of public act 03-51 and section 97 of public act
224 03-278, is repealed and the following is substituted in lieu thereof
225 (*Effective from passage*):

226 (e) A plenary guardian or limited guardian of a person with mental
227 retardation shall not have the power or authority: (1) To cause the
228 ward to be admitted to any institution for treatment of the mentally ill,
229 except in accordance with the provisions of sections 17a-75 to 17a-83,
230 inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive,
231 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to
232 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 420b;
233 (2) to cause the ward to be admitted to any training school or other
234 facility provided for the care and training of [the mentally retarded]
235 persons with mental retardation if there is a conflict concerning such
236 admission between the guardian and the person with mental
237 retardation or next of kin, except in accordance with the provisions of
238 sections 17a-274, as amended, and 17a-275; (3) to consent on behalf of
239 the ward to a sterilization, except in accordance with the provisions of
240 sections 45a-690 to 45a-700, inclusive; (4) to consent on behalf of the
241 ward to psychosurgery, except in accordance with the provisions of
242 section 17a-543, as amended; (5) to consent on behalf of the ward to the
243 termination of the ward's parental rights, except in accordance with
244 the provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-
245 718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-757,

246 inclusive; (6) to consent on behalf of the ward to the performance of
247 any experimental biomedical or behavioral medical procedure or
248 participation in any biomedical or behavioral experiment, unless it (A)
249 is intended to preserve the life or prevent serious impairment of the
250 physical health of the ward, (B) is intended to assist the ward to regain
251 the ward's abilities and has been approved for the ward by the court,
252 or (C) has been (i) approved by a recognized institutional review
253 board, as defined by 45 CFR 46, 21 CFR 50 and 21 CFR 56, as amended
254 from time to time, which is not a part of the Department of Mental
255 Retardation, (ii) endorsed or supported by the Department of Mental
256 Retardation, and (iii) approved for the ward by such ward's primary
257 care physician; (7) to admit the ward to any residential facility
258 operated by an organization by whom such guardian is employed,
259 except in accordance with the provisions of section 17a-274, as
260 amended; (8) to prohibit the marriage or divorce of the ward; and (9)
261 to consent on behalf of the ward to an abortion or removal of a body
262 organ, except in accordance with applicable statutory procedures
263 when necessary to preserve the life or prevent serious impairment of
264 the physical or mental health of the ward.

265 Sec. 511. Section 45a-716 of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective from passage*):

267 (a) Upon receipt of a petition for termination of parental rights, the
268 Court of Probate, or the Superior Court [,] on a case transferred to it
269 from the Court of Probate in accordance with the provisions of
270 subsection (g) of section 45a-715, shall set a time and place for hearing
271 the petition. The time for hearing shall be not more than thirty days
272 after the filing of the petition.

273 (b) The court shall cause notice of the hearing to be given to the
274 following persons, as applicable: (1) The parent or parents of the minor
275 child, including any parent who has been removed as guardian on or
276 after October 1, 1973, under section 45a-606; (2) the father of any minor
277 child born out of wedlock, provided at the time of the filing of the
278 petition (A) he has been adjudicated the father of such child by a court

279 of competent jurisdiction, [or] (B) he has acknowledged in writing that
280 he is the father of such child, [or] (C) he has contributed regularly to
281 the support of such child, [or] (D) his name appears on the birth
282 certificate, [or] (E) he has filed a claim for paternity as provided under
283 section 46b-172a, or (F) he has been named in the petition as the father
284 of the child by the mother; (3) the guardian or any other person whom
285 the court shall deem appropriate; and (4) the Commissioner of
286 Children and Families. If the recipient of the notice is a person
287 described in subdivision (1) or (2) of this subsection or is any other
288 person whose parental rights are sought to be terminated in the
289 petition, the notice shall contain a statement that the respondent has
290 the right to be represented by counsel and that if the respondent is
291 unable to pay for counsel, counsel will be appointed for the
292 respondent. The reasonable compensation for such counsel shall be
293 established by, and paid from funds appropriated to, the Judicial
294 Department, however, in the case of a Probate Court matter, if funds
295 have not been included in the budget of the Judicial Department for
296 such purposes, such compensation shall be established by the Probate
297 Court Administrator and paid from the Probate Court Administration
298 Fund.

299 (c) Except as provided in subsection (d) of this section, notice of the
300 hearing and a copy of the petition, certified by the petitioner, the
301 petitioner's agent or attorney, or the [court] clerk of the court, shall be
302 served at least ten days before the date [for] of the hearing by personal
303 service or service at the person's usual place of abode on the persons
304 enumerated in subsection (b) of this section who are within the state,
305 and by certified mail, return receipt requested, on the Commissioner of
306 Children and Families. If the address of any person entitled to personal
307 service or service at the person's usual place of abode is unknown, or if
308 personal service or service at the person's usual place of abode cannot
309 be reasonably effected within the state, or if any person enumerated in
310 subsection (b) of this section is out of the state, a judge or the clerk of
311 the court shall order notice to be given by registered or certified mail,
312 return receipt requested, or by publication at least ten days before the

313 date of the hearing. Any such publication shall be in a newspaper of
314 general circulation in the place of the last-known address of the person
315 to be notified, whether within or without this state, or, if no such
316 address is known, in the place where the [termination] petition has
317 been filed.

318 (d) In any proceeding pending in the Court of Probate, in lieu of
319 personal service on a parent or the father of a child born out of
320 wedlock who is either a petitioner or who signs under penalty of false
321 statement a written waiver of personal service on a form provided by
322 the Probate Court Administrator, the court may order notice to be
323 given by certified mail, return receipt requested, deliverable to
324 addressee only, [and] at least ten days [prior to] before the date of the
325 hearing. If such delivery cannot reasonably be effected, or if the
326 whereabouts of the parents is unknown, [then] notice shall be ordered
327 to be given by publication [,] as provided in subsection (c) of this
328 section.

329 Sec. 512. Section 6 of public act 03-267 is repealed and the following
330 is substituted in lieu thereof (*Effective from passage*):

331 For the purposes of sections 6 to [10] 9, inclusive, of [this act] public
332 act 03-267:

333 (1) "Person" means any natural person, corporation, partnership,
334 limited liability company, unincorporated business or other business
335 entity;

336 (2) "Elderly person" means any person who is sixty years of age or
337 older;

338 (3) "Blind person" means any person who is blind, as defined in
339 section 1-1f;

340 (4) "Disabled person" means any person who is physically disabled,
341 as defined in section 1-1f;

342 (5) "Mentally retarded person" means any person with mental

343 retardation, as defined in section 1-1g;

344 (6) "Abuse" means any repeated act or omission that causes physical
345 injury or serious physical injury to an elderly, blind, disabled or
346 mentally retarded person, except when (A) the act or omission is a part
347 of the treatment and care, and in furtherance of the health and safety,
348 of the elderly, blind, disabled or mentally retarded person, or (B) the
349 act or omission is based upon the instructions, wishes, consent, refusal
350 to consent or revocation of consent of an elderly, blind, disabled or
351 mentally retarded person, or the legal representative of an incapable
352 elderly, blind, disabled or mentally retarded person. For purposes of
353 this subdivision, "repeated" means an act or omission that occurs on
354 two or more occasions;

355 (7) "Intentionally" means "intentionally" as defined in subdivision
356 (11) of section 53a-3;

357 (8) "Knowingly" means "knowingly" as defined in subdivision (12)
358 of section 53a-3;

359 (9) "Recklessly" means "recklessly" as defined in subdivision (13) of
360 section 53a-3;

361 (10) "Physical injury" means "physical injury" as defined in
362 subdivision (3) of section 53a-3; and

363 (11) "Serious physical injury" means "serious physical injury" as
364 defined in subdivision (4) of section 53a-3.

365 Sec. 513. Subsection (d) of section 17b-10 of the general statutes, as
366 amended by section 1 of substitute senate bill 576 of the current
367 session, is repealed and the following is substituted in lieu thereof
368 (*Effective October 1, 2004*):

369 (d) In lieu of submitting proposed regulations by the date specified
370 in subsection (c) of this section, the department may submit to the
371 legislative regulation review committee a notice not later than thirty-
372 five days before such date that the department will not be able to

373 submit the proposed regulations on or before such date and shall
374 include in such notice (1) the reasons why the department will not
375 submit the proposed regulations by such date, and (2) the date by
376 which the department will submit the proposed regulations. The
377 legislative regulation review committee may require the department to
378 appear before the committee at a time prescribed by the committee to
379 further explain [the reasons for the request] such reasons and to
380 respond to any questions by the committee about the policy. The
381 legislative regulation review committee may request the joint standing
382 committee of the General Assembly having cognizance of matters
383 relating to human services to review the department's policy, the
384 department's reasons for not submitting the proposed regulations by
385 the date specified in subsection (c) of this section and the date by
386 which the department will submit the proposed regulations. Said joint
387 standing committee may review the policy, such reasons and such
388 date, may schedule a hearing thereon and may make a
389 recommendation to the legislative regulation review committee.

390 Sec. 514. Section 1-24 of the general statutes, as amended by section
391 1 of public act 03-278, is repealed and the following is substituted in
392 lieu thereof (*Effective from passage*):

393 The following officers may administer oaths: (1) The clerks of the
394 Senate, the clerks of the House of Representatives and the chairpersons
395 of committees of the General Assembly or of either branch thereof,
396 during its session; (2) state officers, as defined in subsection (t) of
397 section 9-1, judges and clerks of any court, family support magistrates,
398 judge trial referees, justices of the peace, commissioners of the Superior
399 Court, notaries public, town clerks and assistant town clerks, in all
400 cases where an oath may be administered, except in a case where the
401 law otherwise requires; (3) commissioners on insolvent estates,
402 auditors, arbitrators and committees, to parties and witnesses, in all
403 cases tried before them; (4) assessors and boards of assessment
404 appeals, in cases coming before them; (5) commissioners appointed by
405 governors of other states to take the acknowledgment of deeds, in the
406 discharge of their official duty; (6) the moderator of a school district

407 meeting, in such meeting, to the clerk of such district, as required by
408 law; (7) the first selectman, in any matter before the board of
409 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
410 and assistant medical examiners of the Office of the Medical Examiner,
411 in any matter before them; (9) registrars of vital statistics, in any matter
412 before them; (10) any chief inspector or inspector appointed pursuant
413 to section 51-286; (11) registrars of voters, deputy registrars, assistant
414 registrars, and moderators, in any matter before them; (12) special
415 assistant registrars, in matters provided for in subsections (b) and (c) of
416 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety
417 and any sworn member of any local police department or the Division
418 of State Police within the Department of Public Safety, in all affidavits,
419 statements, depositions, complaints or reports made to or by any
420 member of any local police department or said Division of State Police
421 or any constable who is under the supervision of said commissioner or
422 any of such officers of said Division of State Police and who is certified
423 under the provisions of sections 7-294a to 7-294e, inclusive, and
424 performs criminal law enforcement duties; (14) judge advocates of the
425 United States Army, Navy, Air Force and Marine Corps, law
426 specialists of the United States Coast Guard, adjutants, assistant
427 adjutants, acting adjutants and personnel adjutants, commanding
428 officers, executive officers and officers whose rank is lieutenant
429 commander or major, or above, of the armed forces, as defined in
430 section 27-103, as amended, to persons serving with or in the armed
431 forces, as defined in said section, or their spouses; (15) investigators,
432 deputy investigators, investigative aides, secretaries, clerical assistants,
433 social workers, social worker trainees, paralegals and certified legal
434 interns employed by or assigned to the Public Defender Services
435 Commission in the performance of their assigned duties; (16) bail
436 commissioners employed by the Judicial Department in the
437 performance of their assigned duties; (17) juvenile matter investigators
438 employed by the Division of Criminal Justice in the performance of
439 their assigned duties; (18) the chairperson of the Connecticut Siting
440 Council or the chairperson's designee; (19) the presiding officer at an
441 agency hearing under section 4-177b; (20) family relations counselors

442 employed by the Judicial Department and support enforcement
443 officers and investigators employed by the Department of Social
444 Services Bureau of Child Support Enforcement and the Judicial
445 Department, in the performance of their assigned duties; (21) the
446 chairperson, vice-chairperson and members of the Board of Parole,
447 [parole officers and parole supervisors] in the performance of their
448 assigned duties; and (22) the Commissioner of Correction or the
449 commissioner's designee.

450 Sec. 515. Subsection (a) of section 1-217 of the general statutes is
451 repealed and the following is substituted in lieu thereof (*Effective from*
452 *passage*):

453 (a) No public agency may disclose, under the Freedom of
454 Information Act, the residential address of any of the following
455 persons:

456 (1) A federal court judge, federal court magistrate, judge of the
457 Superior Court, Appellate Court or Supreme Court of the state, or
458 family support magistrate;

459 (2) A sworn member of a municipal police department or a sworn
460 member of the Division of State Police within the Department of Public
461 Safety;

462 (3) An employee of the Department of Correction;

463 (4) An attorney-at-law who represents or has represented the state
464 in a criminal prosecution;

465 (5) An attorney-at-law who is or has been employed by the Public
466 Defender Services Division or a social worker who is employed by the
467 Public Defender Services Division;

468 (6) An inspector employed by the Division of Criminal Justice;

469 (7) A firefighter;

- 470 (8) An employee of the Department of Children and Families;
471 (9) A member [or employee] of the Board of Parole;
472 (10) An employee of the judicial branch; or
473 (11) A member or employee of the Commission on Human Rights
474 and Opportunities.

475 Sec. 516. Subsection (e) of section 14-10 of the general statutes is
476 repealed and the following is substituted in lieu thereof (*Effective from*
477 *passage*):

478 (e) In the event (1) a federal court judge, federal court magistrate or
479 judge of the Superior Court, Appellate Court or Supreme Court of the
480 state, (2) a member of a municipal police department or a member of
481 the Division of State Police within the Department of Public Safety, (3)
482 an employee of the Department of Correction, (4) an attorney-at-law
483 who represents or has represented the state in a criminal prosecution,
484 or (5) a member [or employee] of the Board of Parole submits a written
485 request and furnishes such individual's business address to the
486 commissioner, such business address only shall be disclosed or
487 available for public inspection to the extent authorized by this section.

488 Sec. 517. Section 18-100d of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective from passage*):

490 Notwithstanding any other provision of the general statutes, any
491 person convicted of a crime committed on or after October 1, 1994,
492 shall be subject to supervision by personnel of the Department of
493 Correction [or the Board of Parole] until the expiration of the
494 maximum term or terms for which [he] such person was sentenced.

495 Sec. 518. Subsection (g) of section 46a-152 of the general statutes is
496 repealed and the following is substituted in lieu thereof (*Effective from*
497 *passage*):

498 (g) Nothing in this section shall be construed as limiting the justified

499 use of physical force by a local, state or federal law enforcement official
500 or an employee of the [Board of Parole] Department of Correction
501 responsible for the supervision of persons released on parole while in
502 the performance of such official's or employee's duties.

503 Sec. 519. Subsection (b) of section 51-5c of the general statutes is
504 repealed and the following is substituted in lieu thereof (*Effective from*
505 *passage*):

506 (b) (1) The following information contained in the registry of
507 protective orders shall not be subject to disclosure and may be
508 accessed only in accordance with this section, unless otherwise
509 ordered by the court: (A) Any information that would identify a
510 person protected by an order contained in the registry; (B) any
511 information that is confidential pursuant to state or federal law,
512 including, but not limited to, any information that is confidential
513 pursuant to a court order; and (C) any information entered in the
514 registry pursuant to an ex parte order prior to a hearing by a court
515 having jurisdiction over the parties and the subject matter.

516 (2) Any employee of the Judicial Department authorized by policies
517 and procedures adopted by the Chief Court Administrator shall have
518 access to such information. The Chief Court Administrator may grant
519 access to such information to personnel of the Department of Public
520 Safety, the Department of Correction, [the Board of Parole,] the
521 Psychiatric Security Review Board, the Division of Criminal Justice,
522 any municipal or tribal police department within this state or any other
523 agency, organization or person determined by the Chief Court
524 Administrator, pursuant to policies and procedures adopted by the
525 Chief Court Administrator, to have a legitimate interest in the
526 information contained in the registry. Any person who obtains such
527 information pursuant to this subdivision may use and disclose the
528 information only in the performance of such person's duties.

529 (3) Except as provided in subsection (c) of this section, the
530 information contained in the registry shall be provided to and may be

531 accessed through the Connecticut on-line law enforcement
532 communications teleprocessing system maintained by the Department
533 of Public Safety. Nothing in this section shall be construed to permit
534 public access to the Connecticut on-line law enforcement
535 communications teleprocessing system.

536 Sec. 520. Section 53a-22 of the general statutes is repealed and the
537 following is substituted in lieu thereof (*Effective from passage*):

538 (a) For purposes of this section, a reasonable belief that a person has
539 committed an offense means a reasonable belief in facts or
540 circumstances which if true would in law constitute an offense. If the
541 believed facts or circumstances would not in law constitute an offense,
542 an erroneous though not unreasonable belief that the law is otherwise
543 does not render justifiable the use of physical force to make an arrest
544 or to prevent an escape from custody. A peace officer or an authorized
545 official of the Department of Correction [or the Board of Parole] who is
546 effecting an arrest pursuant to a warrant or preventing an escape from
547 custody is justified in using the physical force prescribed in
548 subsections (b) and (c) of this section unless such warrant is invalid
549 and is known by such officer to be invalid.

550 (b) Except as provided in subsection (a) of this section, a peace
551 officer or authorized official of the Department of Correction [or the
552 Board of Parole] is justified in using physical force upon another
553 person when and to the extent that he reasonably believes such to be
554 necessary to: (1) Effect an arrest or prevent the escape from custody of
555 a person whom he reasonably believes to have committed an offense,
556 unless he knows that the arrest or custody is unauthorized; or (2)
557 defend himself or a third person from the use or imminent use of
558 physical force while effecting or attempting to effect an arrest or while
559 preventing or attempting to prevent an escape.

560 (c) A peace officer or authorized official of the Department of
561 Correction [or the Board of Parole] is justified in using deadly physical
562 force upon another person for the purposes specified in subsection (b)

563 of this section only when he reasonably believes such to be necessary
564 to: (1) Defend himself or a third person from the use or imminent use
565 of deadly physical force; or (2) effect an arrest or prevent the escape
566 from custody of a person whom he reasonably believes has committed
567 or attempted to commit a felony which involved the infliction or
568 threatened infliction of serious physical injury and if, where feasible,
569 he has given warning of his intent to use deadly physical force.

570 (d) Except as provided in subsection (e) of this section, a person who
571 has been directed by a peace officer or authorized official of the
572 Department of Correction [or the Board of Parole] to assist such peace
573 officer or official to effect an arrest or to prevent an escape from
574 custody is justified in using reasonable physical force when and to the
575 extent that he reasonably believes such to be necessary to carry out
576 such peace officer's or official's direction.

577 (e) A person who has been directed to assist a peace officer or
578 authorized official of the Department of Correction [or the Board of
579 Parole] under circumstances specified in subsection (d) of this section
580 may use deadly physical force to effect an arrest or to prevent an
581 escape from custody only when: (1) He reasonably believes such to be
582 necessary to defend himself or a third person from what he reasonably
583 believes to be the use or imminent use of deadly physical force; or (2)
584 he is directed or authorized by such peace officer or official to use
585 deadly physical force, unless he knows that the peace officer or official
586 himself is not authorized to use deadly physical force under the
587 circumstances.

588 (f) A private person acting on his own account is justified in using
589 reasonable physical force upon another person when and to the extent
590 that he reasonably believes such to be necessary to effect an arrest or to
591 prevent the escape from custody of an arrested person whom he
592 reasonably believes to have committed an offense and who in fact has
593 committed such offense; but he is not justified in using deadly physical
594 force in such circumstances, except in defense of person as prescribed
595 in section 53a-19.

596 Sec. 521. Subsection (a) of section 53a-167c of the general statutes, as
597 amended by section 1 of public act 03-6 and section 126 of public act
598 03-19, is repealed and the following is substituted in lieu thereof
599 (*Effective from passage*):

600 (a) A person is guilty of assault of public safety or emergency
601 medical personnel when, with intent to prevent a reasonably
602 identifiable peace officer, firefighter or employee of an emergency
603 medical service organization, as defined in section 53a-3, emergency
604 room physician or nurse, employee of the Department of Correction,
605 [employee or] member of the Board of Parole, probation officer,
606 employee of the judicial branch assigned to provide pretrial secure
607 detention and programming services to juveniles accused of the
608 commission of a delinquent act, employee of the Department of
609 Children and Families assigned to provide direct services to children
610 and youth in the care or custody of the department or employee of a
611 municipal police department assigned to provide security at the police
612 department's lockup and holding facility from performing his or her
613 duties, and while such peace officer, firefighter, employee, physician,
614 nurse, member or probation officer is acting in the performance of his
615 or her duties, (1) such person causes physical injury to such peace
616 officer, firefighter, employee, physician, nurse, member or probation
617 officer, or (2) such person throws or hurls, or causes to be thrown or
618 hurled, any rock, bottle, can or other article, object or missile of any
619 kind capable of causing physical harm, damage or injury, at such peace
620 officer, firefighter, employee, physician, nurse, member or probation
621 officer, or (3) such person uses or causes to be used any mace, tear gas
622 or any like or similar deleterious agent against such peace officer,
623 firefighter, employee, physician, nurse, member or probation officer, or
624 (4) such person throws or hurls, or causes to be thrown or hurled, any
625 paint, dye or other like or similar staining, discoloring or coloring
626 agent or any type of offensive or noxious liquid, agent or substance at
627 such peace officer, firefighter, employee, physician, nurse, member or
628 probation officer, or (5) such person throws or hurls, or causes to be
629 thrown or hurled, any bodily fluid including, but not limited to, urine,

630 feces, blood or saliva at such peace officer, firefighter, employee,
631 physician, nurse, member or probation officer.

632 Sec. 522. Subsection (d) of section 54-102g of the general statutes, as
633 amended by section 1 of public act 03-242, is repealed and the
634 following is substituted in lieu thereof (*Effective from passage*):

635 (d) Any person who has been convicted of a criminal offense against
636 a victim who is a minor, a nonviolent sexual offense or a sexually
637 violent offense, as those terms are defined in section 54-250, or a
638 felony, and is serving a period of probation or parole, and who has not
639 submitted to the taking of a blood or other biological sample pursuant
640 to subsection (a), (b) or (c) of this section, shall, prior to discharge from
641 the custody of the Court Support Services Division or the [Board of
642 Parole] Department of Correction and at such time as said division or
643 [board] department may specify, submit to the taking of a blood or
644 other biological sample for DNA (deoxyribonucleic acid) analysis to
645 determine identification characteristics specific to the person.

646 Sec. 523. Section 54-125g of the general statutes is repealed and the
647 following is substituted in lieu thereof (*Effective from passage*):

648 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-
649 125a, any person who has six months or less to the expiration of the
650 maximum term or terms for which such person was sentenced, may be
651 allowed to go at large on parole provided such person agrees (1) to be
652 subject to supervision by personnel of the [Board of Parole]
653 Department of Correction for a period of one year, and (2) to be
654 retained in the institution from which such person was paroled for a
655 period equal to the unexpired portion of the term of his or her sentence
656 if such person is found to have violated the terms or conditions of his
657 or her parole. Any person subject to the provisions of subdivision (1)
658 or (2) of subsection (b) of section 54-125a shall only be eligible to go at
659 large on parole under this section after having served ninety-five per
660 cent of the definite sentence imposed.

661 Sec. 524. Section 54-127 of the general statutes is repealed and the

662 following is substituted in lieu thereof (*Effective from passage*):

663 The request of the Commissioner of Correction or any officer of the
664 Department of Correction so designated by the commissioner, or of the
665 Board of Parole [.] or its chairman [or any officer of the Board of Parole
666 designated by the chairman] shall be sufficient warrant to authorize
667 any officer of the Department of Correction [or of the Board of Parole,
668 as the case may be,] or any officer authorized by law to serve criminal
669 process within this state, to return any convict or inmate on parole into
670 actual custody; and any such officer, police officer, constable or state
671 marshal shall arrest and hold any parolee or inmate when so
672 requested, without any written warrant.

673 Sec. 525. Subsection (a) of section 54-128 of the general statutes is
674 repealed and the following is substituted in lieu thereof (*Effective from*
675 *passage*):

676 (a) Any paroled [convict or] inmate who has been returned to [the
677 custody of the Commissioner of Correction or] any institution of the
678 Department of Correction for violation of [his] such inmate's parole
679 may be retained in [the institution from which he was paroled] a
680 correctional institution for a period equal to the unexpired portion of
681 the term of [his] such inmate's sentence at the date of the request or
682 order for [his] such inmate's return less any commutation or
683 diminution of [his] such inmate's sentence earned except that the
684 Board of Parole may, in its discretion, determine that [he] such inmate
685 shall forfeit any or all of such earned time, or may be again paroled by
686 said board.

687 Sec. 526. Subsection (b) of section 54-131d of the general statutes is
688 repealed and the following is substituted in lieu thereof (*Effective from*
689 *passage*):

690 (b) The Board of Parole may require as a condition of release on
691 medical parole periodic diagnoses as described in section 54-131c. If
692 after review of such diagnoses the board finds that a parolee released
693 pursuant to sections 54-131a to 54-131g, inclusive, is no longer so

694 debilitated or incapacitated as to be physically incapable of presenting
695 a danger to society, such parolee shall be returned to [the custody] any
696 institution of the Department of Correction.

697 Sec. 527. Section 512 of substitute house bill 5043 of the current
698 session is repealed and the following is substituted in lieu thereof
699 (*Effective from passage*):

700 The Commissioner of Correction shall prohibit any person who has
701 been convicted of a crime that requires registration pursuant to chapter
702 969 of the general statutes from [having access to] using a computer
703 with Internet access while such person is in the custody of the
704 commissioner and confined in a correctional facility.

705 Sec. 528. Subsection (a) of section 1 of substitute house bill 5669 of
706 the current session is repealed and the following is substituted in lieu
707 thereof (*Effective from passage*):

708 (a) All civil actions brought to recover damages resulting from
709 personal injury or wrongful death, whether in tort or in contract, in
710 which it is alleged that such injury or death resulted from the
711 negligence of a health care provider, [as defined in section 52-184b of
712 the general statutes,] shall be referred to mandatory mediation
713 pursuant to this section, unless the parties have agreed to refer the civil
714 action to an alternative dispute resolution program. For the purposes
715 of this subsection, "health care provider" means a provider, as defined
716 in subsection (b) of section 20-7b, or an institution, as defined in
717 section 19a-490, as amended by section 2 of public act 03-274.

718 Sec. 529. Subsection (c) of section 52-192a of the general statutes, as
719 amended by section 8 of substitute house bill 5669 of the current
720 session, is repealed and the following is substituted in lieu thereof
721 (*Effective from passage*):

722 (c) With respect to any civil action brought to recover damages
723 resulting from personal injury or wrongful death, whether in tort or in
724 contract, in which it is alleged that such injury or death resulted from

725 the negligence of a health care provider, [as defined in section 52-
726 184b,] and where the cause of action accrued on or after the effective
727 date of this section, if the court ascertains from the record that the
728 plaintiff has recovered an amount equal to or greater than the sum
729 certain stated in the plaintiff's offer of judgment, the court shall add to
730 the amount so recovered eight per cent annual interest on said amount,
731 except that if the plaintiff has recovered an amount that is more than
732 twice the sum certain stated in the plaintiff's offer of judgment, the
733 court shall add to the amount so recovered (1) eight per cent annual
734 interest on the portion of the amount recovered that is equal to or less
735 than twice the sum certain stated in such offer of judgment, and (2)
736 four per cent annual interest on the portion of the amount recovered
737 that is more than twice the sum certain stated in such offer. For the
738 purposes of this subsection, "health care provider" means a provider,
739 as defined in subsection (b) of section 20-7b, or an institution, as
740 defined in section 19a-490, as amended by section 2 of public act 03-
741 274.

742 Sec. 530. Subdivision (1) of subsection (c) of section 52-251c of the
743 general statutes, as amended by section 15 of substitute house bill 5669
744 of the current session, is repealed and the following is substituted in
745 lieu thereof (*Effective from passage*):

746 (1) Whenever a claimant in a medical malpractice [case] claim or
747 civil action enters into a contingency fee arrangement with an attorney
748 which provides for a fee that would exceed the percentage limitations
749 set forth in subsection (b) of this section, such arrangement shall not be
750 valid unless the claimant's attorney files an application with the court
751 for approval of such arrangement and the court, after a hearing, grants
752 such application. The claimant's attorney shall attach to such
753 application a copy of such fee arrangement and the proposed unsigned
754 writ, summons and complaint in the case. Such fee arrangement shall
755 provide that the attorney will advance all costs in connection with the
756 investigation and prosecution or settlement of the case and the
757 claimant will not be liable for the reimbursement of the attorney for
758 any such costs if there is no recovery.

759 Sec. 531. Subdivision (2) of subsection (e) of section 52-251c of the
760 general statutes, as amended by section 15 of substitute house bill 5669
761 of the current session, is repealed and the following is substituted in
762 lieu thereof (*Effective from passage*):

763 (2) For the purposes of this section and with respect to a medical
764 malpractice [case] claim or civil action in which an application was
765 granted by a court pursuant to subsection (c) of this section, "damages
766 awarded and received" means in a [medical malpractice] civil action in
767 which final judgment is entered, that amount of the judgment or
768 amended judgment entered by the court that is received by the
769 claimant after deduction for any disbursements made or costs incurred
770 by the attorney in connection with the investigation and prosecution or
771 settlement of the civil action, other than ordinary office overhead and
772 expense, for which the claimant is liable; and "settlement amount
773 received" means in a [medical malpractice] claim or civil action in
774 which no final judgment is entered, the amount received by the
775 claimant pursuant to a settlement agreement after deduction for any
776 disbursements made or costs incurred by the attorney in connection
777 with the investigation and prosecution or settlement of the claim or
778 civil action, other than ordinary office overhead and expense, for
779 which the claimant is liable.

780 Sec. 532. Section 52-251c of the general statutes, as amended by
781 section 15 of substitute house bill 5669 of the current session, is
782 amended by adding subsection (f) as follows (*Effective from passage*):

783 (NEW) (f) For the purposes of this section, "medical malpractice
784 claim or civil action" means a claim or civil action brought to recover
785 damages resulting from personal injury or wrongful death, whether in
786 tort or in contract, in which it is alleged that such injury or death
787 resulted from the negligence of a health care provider, and "health care
788 provider " means a provider, as defined in subsection (b) of section 20-
789 7b, or an institution, as defined in section 19a-490, as amended by
790 section 2 of public act 03-274.

791 Sec. 533. Section 18 of substitute house bill 5669 of the current
792 session is repealed and the following is substituted in lieu thereof
793 (*Effective from passage*):

794 Whenever in a civil action to recover damages resulting from
795 personal injury or wrongful death, whether in tort or in contract, in
796 which it is alleged that such injury or death resulted from the
797 negligence of a health care provider, the jury renders a verdict
798 specifying noneconomic damages, as defined in section 52-572h of the
799 general statutes, in an amount exceeding one million dollars, the court
800 shall review the evidence presented to the jury to determine if the
801 amount of noneconomic damages specified in the verdict is excessive
802 as a matter of law in that it so shocks the sense of justice as to compel
803 the conclusion that the jury was influenced by partiality, prejudice,
804 mistake or corruption. If the court so concludes, it shall order a
805 remittitur and, upon failure of the party so ordered to remit the
806 amount ordered by the court, it shall set aside the verdict and order a
807 new trial. For the purposes of this section, "health care provider"
808 means a provider, as defined in subsection (b) of section 20-7b, or an
809 institution, as defined in section 19a-490, as amended by section 2 of
810 public act 03-274.

811 Sec. 534. Section 38a-395 of the general statutes, as amended by
812 section 16 of substitute house bill 5669 of the current session, is
813 repealed and the following is substituted in lieu thereof (*Effective*
814 *January 1, 2005*):

815 (a) As used in this section:

816 (1) "Claim" means a request for indemnification filed by a [medical
817 professional or entity] physician, surgeon, hospital, advanced practice
818 registered nurse or physician assistant pursuant to a professional
819 liability policy for a loss for which a reserve amount has been
820 established by an insurer;

821 (2) "Closed claim" means a claim that has been settled, or otherwise
822 disposed of, where the insurer has made all indemnity and expense

823 payments on the claim; and

824 (3) "Insurer" means an insurer, as defined in section 38a-1, as
825 amended, that insures a [medical professional or entity] physician,
826 surgeon, hospital, advanced practice registered nurse or physician
827 assistant against professional liability. "Insurer" includes, but is not
828 limited to, a captive insurer or a self-insured person.

829 (b) On and after January 1, 2005, each insurer shall provide to the
830 Insurance Commissioner a closed claim report, on such form as the
831 commissioner prescribes, in accordance with this section. The insurer
832 shall submit the report not later than ten days after the last day of the
833 calendar quarter in which a claim is closed. The report shall only
834 include information about claims settled under the laws of this state.

835 (c) The closed claim report shall include:

836 (1) Details about the insured and insurer, including: (A) The name
837 of the insurer; (B) the professional liability insurance policy limits and
838 whether the policy was an occurrence policy or was issued on a claims-
839 made basis; (C) the name, address, health care provider professional
840 license number and specialty coverage of the insured; and (D) the
841 insured's policy number and a unique claim number.

842 (2) Details about the injury or loss, including: (A) The date of the
843 injury or loss that was the basis of the claim; (B) the date the injury or
844 loss was reported to the insurer; (C) the name of the institution or
845 location at which the injury or loss occurred; (D) the type of injury or
846 loss, including a severity of injury rating that corresponds with the
847 severity of injury scale that the Insurance Commissioner shall establish
848 based on the severity of injury scale developed by the National
849 Association of Insurance Commissioners; and (E) the name, age and
850 gender of any injured person covered by the claim. Any individually
851 identifiable health information, as defined in 45 CFR 160.103, as from
852 time to time amended, submitted pursuant to this subdivision shall be
853 confidential. The reporting of the information is required by law. If
854 necessary to comply with federal privacy laws, including the Health

855 Insurance Portability and Accountability Act of 1996, [P.L. 104-191]
856 (P.L. 104-191) (HIPAA), as from time to time amended, the insured
857 shall arrange with the insurer to release the required information.

858 (3) Details about the claims process, including: (A) Whether a
859 lawsuit was filed, and if so, in which court; (B) the outcome of such
860 lawsuit; (C) the number of other defendants, if any; (D) the stage in the
861 process when the claim was closed; (E) the dates of the trial; (F) the
862 date of the judgment or settlement, if any; (G) whether an appeal was
863 filed, and if so, the date filed; (H) the resolution of the appeal and the
864 date such appeal was decided; (I) the date the claim was closed; (J) the
865 initial indemnity and expense reserve for the claim; and (K) the final
866 indemnity and expense reserve for the claim.

867 (4) Details about the amount paid on the claim, including: (A) The
868 total amount of the initial judgment rendered by a jury or awarded by
869 the court; (B) the total amount of the settlement if there was no
870 judgment rendered or awarded; (C) the total amount of the settlement
871 if the claim was settled after judgment was rendered or awarded; (D)
872 the amount of economic damages, as defined in section 52-572h, or the
873 insurer's estimate of the amount in the event of a settlement; (E) the
874 amount of noneconomic damages, as defined in section 52-572h, or the
875 insurer's estimate of the amount in the event of a settlement; (F) the
876 amount of any interest awarded due to failure to accept an offer of
877 judgment; (G) the amount of any remittitur or additur; (H) the amount
878 of final judgment after remittitur or additur; (I) the amount paid by the
879 insurer; (J) the amount paid by the defendant due to a deductible or a
880 judgment or settlement in excess of policy limits; (K) the amount paid
881 by other insurers; (L) the amount paid by other defendants; (M)
882 whether a structured settlement was used; (N) the expense assigned to
883 and recorded with the claim, including, but not limited to, defense and
884 investigation costs, but not including the actual claim payment; and
885 (O) any other information the commissioner determines to be
886 necessary to regulate the professional liability insurance industry with
887 respect to [medical professionals and entities] physicians, surgeons,
888 hospitals, advanced practice registered nurses or physicians assistants,

889 ensure the industry's solvency and ensure that such liability insurance
890 is available and affordable.

891 (d) (1) The commissioner shall establish an electronic database
892 composed of closed claim reports filed pursuant to this section.

893 (2) The commissioner shall compile the data included in individual
894 closed claim reports into an aggregated summary format and shall
895 prepare a written annual report of the summary data. The report shall
896 provide an analysis of closed claim information including a minimum
897 of five years of comparative data, when available, trends in frequency
898 and severity of claims, itemization of damages, timeliness of the claims
899 process, and any other descriptive or analytical information that would
900 assist in interpreting the trends in closed claims.

901 (3) The annual report shall include a summary of rate filings for
902 professional liability insurance for [medical professionals and entities]
903 physicians, surgeons, hospitals, advanced practice registered nurses or
904 physicians assistants, which have been approved by the department
905 for the prior calendar year, including an analysis of the trend of direct
906 losses, incurred losses, earned premiums and investment income as
907 compared to prior years. The report shall include base premiums
908 charged by [medical malpractice] insurers for each specialty and the
909 number of providers insured by specialty for each insurer.

910 (4) Not later than March 15, 2006, and annually thereafter, the
911 commissioner shall submit the annual report to the joint standing
912 committee of the General Assembly having cognizance of matters
913 relating to insurance in accordance with section 11-4a. The
914 commissioner shall also (A) make the report available to the public, (B)
915 post the report on its Internet site, and (C) provide public access to the
916 contents of the electronic database after the commissioner establishes
917 that the names and other individually identifiable information about
918 the claimant and practitioner have been removed.

919 (e) The Insurance Commissioner shall provide the Commissioner of

920 Public Health with electronic access to all information received
921 pursuant to this section. The Commissioner of Public Health shall
922 maintain the confidentiality of such information in the same manner
923 and to the same extent as required for the Insurance Commissioner.

924 Sec. 535. Section 19 of substitute house bill 5669 of the current
925 session is repealed and the following is substituted in lieu thereof
926 (*Effective July 1, 2004, and applicable to taxable years commencing on or after*
927 *January 1, 2004*):

928 (a) Any resident of this state, as defined in subdivision (1) of
929 subsection (a) of section 12-701, who is a physician licensed pursuant
930 to chapter 370 and who is subject to the tax imposed under chapter 229
931 for any taxable year shall be entitled to a credit in determining the
932 amount of tax liability under said chapter, for a portion, as permitted
933 by this section, of the amount of medical malpractice insurance
934 premiums first becoming due and actually paid during such taxable
935 year by such person in accordance with this section.

936 (b) The credit allowed under this section shall be equal to one
937 hundred per cent of the amount by which the medical malpractice
938 insurance premiums first becoming due and actually paid during such
939 taxable year by such person exceed twenty-five per cent of the person's
940 Connecticut taxable income, provided such credit shall not exceed an
941 amount equal to fifteen per cent of such premiums.

942 (c) The credit may only be used to reduce such qualifying taxpayer's
943 tax liability for the year for which such credit is applicable and shall
944 not be used to reduce such tax liability to less than zero.

945 (d) The amount of tax due pursuant to sections 12-705 and 12-722
946 shall be calculated without regard to this credit.

947 (e) Any physician who has had, at any time, a judgment entered
948 against him or her as a defendant in a civil action to recover damages
949 for personal injury or wrongful death resulting from the acts or
950 omissions of such physician in the medical diagnosis, care or treatment

951 of a person shall not be entitled to a credit under this section.

952 Sec. 536. (*Effective from passage*) Section 54-124d of the general
953 statutes is repealed.

954 Sec. 537. (*Effective from passage*) Section 36 of substitute house bill
955 5211 of the current session is repealed."